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13 TERRI VELLENOWETH, GARY  
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15 TERRI VELLENOWETH, et al.,

16 Plaintiff,

17 v.

18 CITY OF NAPA, et al.,  
19 Defendants.

20 Case No. 3:22-cv-05779-RS

21 **STIPULATION AND ORDER CONTINUING  
22 CMC AND RELATED RULE 26 DISCLOSURE  
DATES**

23 **Hon. Richard Seeborg**

24 The parties, acting by and through their attorneys of record, respectfully request and stipulate for  
25 an Order continuing the January 12, 2023 CMC to February 9, 2023 (joint status conference statement  
26 due February 2, 2023) and at the continued CMC on February 9, 2023 the parties discuss with the court  
27 what would be the appropriate Rule 26 (a)(1) disclosure dates (witnesses and documents) given the  
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1 special circumstances of this case. Good cause for the Order is provided as follows:

2 This lawsuit is based on a Napa Police Department officer involved fatal police shooting that  
3 occurred on October 6, 2021.

4 The complaint was filed October 5, 2022. The defendants' motion to dismiss was filed November  
5 10, 2022 with a hearing date January 5, 2023.

6 Commencing on October 6, 2021 and continuing to the present day the Napa County District  
7 Attorney and the Napa County Sheriff's Office are conducting a joint confidential investigation of this  
8 incident including witness interviews, the autopsy and a forensic examination of all the evidence.

9 The parties are informed that the District Attorney may announce in January, 2023 the results of  
10 that confidential investigation and her legal decision regarding the use of deadly force by the subject  
11 officer who is a defendant in this action.

12 The parties are informed and believe that following the District Attorney's decision the relevant  
13 investigation file will become accessible to the parties by subpoena or other procedures.

14 Until that release of information the parties themselves have minimal information to prepare their  
15 positions on liability and damages. The parties need the relevant investigation file prepared by the Napa  
16 District Attorney and Napa Sheriff.

17 The parties also assume the Court's decision on defendants' motion to dismiss may result in  
18 plaintiffs filing an amended complaint.

19 For all of these reasons the parties need additional time before they will be in a position to fully  
20 comply with the disclosure requirements of FRCP 26 (a)(1) and request both the January 12, 2023 CMC  
21 be continued until February 9, 2023; and, at the new CMC, the Court schedule discovery including a new  
22 date for Rule 26 (a)(1) disclosures.

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1 Dated: December 15, 2022

LAW OFFICES OF TIM A. PORI

2  
3 By: /s/ Tim Allen Pori

4 Tim Allen Pori  
5 Attorneys for Plaintiffs  
6 TERRI VELLENOWETH, GARY  
VELLENOWETH, SR, ESTATE OF  
JEREMY JAMES VELLENOWETH

7  
8  
9 Dated: December 15, 2022

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

10  
11 By: /s/ Greg Fox

12 Gregory M. Fox  
13 Thomas Ly  
14 Attorneys for Defendants  
15 CITY OF NAPA, NAPA POLICE  
DEPARTMENT, DOMINIC DEGUILIO

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17 **ATTORNEY ATTESTATION**

18 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
19 conformed signature ("s/") within this E-filed document or have been authorized by counsel to show  
20 their signature on this document as /s/. Counsel has also approved as to the form and content of this  
21 document.

22  
23 Dated: December 15, 2022

By: /s/ Greg Fox

24 Gregory M. Fox

1                   **ORDER**  
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3                   Good cause appearing, and pursuant to the parties' stipulation, it is SO Ordered: the January 12,  
4                   2023 CMC is continued until February 9, 2023 with a joint status conference statement due February 2,  
5                   2023. The schedule for Rule 26 (a)(1) disclosures to be discussed at the CMC.

6                   **IT IS SO ORDERED.**

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8                   DATED: December 16, 2022  
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Richard Seeborg  
Chief District Judge